



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: August 27, 2013
SUBJECT: BZA Case 18584, 1310 Pennsylvania Avenue, S.E. - Supplemental

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18584

EXHIBIT NO. 49

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BZA Case No. 18584 is a special exception request pursuant to § 735 to permit animal boarding in the C-2-A, and a variance request to § 735.2 to permit animal boarding to abut a residence zone.

At the BZA hearing of July 9, 2013, the Board requested the following:

1. The applicant submit a supplemental acoustical report with additional information, and;
2. An analysis from the Office of Planning to make sure that this case is not being subjected to different standards from other similar cases.

Supplemental Acoustical Report

The applicant submitted a supplemental acoustical report based on the applicant's Dupont Circle location. That study showed that the maximum interior sound level would be approximately 73 dB for up to one hour a day, and concluded that the occupants of the abutting properties would not hear any noise from the dog holding area at the Pennsylvania Avenue facility. This is consistent with § 735.3, which requires that the use "*produce no noise... objectionable to nearby properties.*"

Office of Planning Analysis

The Board has reviewed two animal-related cases where the distance of a portion of the use from other uses became an issue.

BZA Case 18346 was granted by the Board to permit animal boarding and an animal shelter on a lot abutting residential uses at 900 M Street, S.E. This case is different from the subject application in that the building containing the animal uses does not abut a residential structure with a party wall or a residential zone; rather the side yard of the building containing the animal uses abuts the rear or side yards of industrially zoned residential uses. External yards are permitted for animal shelters if located at least two hundred feet from any residential uses, and a variance was granted in this case to permit an external yard to be 53 feet from residential row houses. A five year time limit was imposed on the granting of this application.

In BZA Case 18474 the Board voted to permit animal boarding, pet grooming and an animal shelter at 1232 9th Street, N.W. for a period of three years. In that case there were no residential uses or zones abutting the subject property, but there was an adjacent commercial use that testified in opposition application, similar to the subject application. The application also included a



variance request to permit an external yard less than two hundred feet from residential uses, or 82 feet. This request was dismissed by the Board because it found that the use of the outdoor area for half hour periods of time did not meet with definition of "keeping" animals outside, but was rather for exercising or recreation use only and therefore was not necessary. The order for this case has not yet been issued.

It is not unusual for OP to recommend time limits for applications and include conditions of approval to be monitored over time, particularly for new uses and/or when conditions are recommended by the ANC. Therefore, OP recommended a time limit to ensure that any potential adverse impacts are mitigated by the applicant and that the community has recourse should the proposed use not operate as anticipated.

For no other animal use application has an acoustical study been submitted. Section 735.3 of the Zoning Regulations requires that the use take place within a soundproof building with the windows closed, and § 735.5 empowers the Board to impose additional requirements pertaining to soundproofing. Each of the other animal uses were proposed to be located within masonry structures, same as the subject application, and accepted as soundproof by the Board. In this case the applicant submitted an acoustical study that identified deficiencies within the subject building in need of correction to ensure the sound worthiness of the structure, and compliance with § 735.3.